

## **IC 5-26-5**

### **Chapter 5. Communications System Infrastructure Fund**

#### **IC 5-26-5-1**

##### **"Communications system infrastructure" defined**

Sec. 1. As used in this chapter, "communications system infrastructure" means all or part of the infrastructure of the system described in IC 5-26-3, including:

- (1) towers and the associated land, improvements, foundations, access roads and rights-of-way, structures, fencing, and equipment necessary, proper, or convenient to enable the tower to function as part of the system;
- (2) the radio and network equipment necessary, proper, or convenient to transmit and receive voice and data communications; and
- (3) any other necessary, proper, or convenient elements of the system.

*As added by P.L.123-2002, SEC.14.*

#### **IC 5-26-5-2**

##### **"Construction" defined**

Sec. 2. As used in this chapter, "construction" means the erection, renovation, refurbishing, or alteration of all or any part of buildings, improvements, or other structures, including installation of fixtures or equipment, landscaping of grounds, site work, and providing for other ancillary facilities pertinent to the buildings or structures.

*As added by P.L.123-2002, SEC.14.*

#### **IC 5-26-5-3**

##### **"Infrastructure fund" defined**

Sec. 3. As used in this chapter, "infrastructure fund" refers to the communications system infrastructure fund.

*As added by P.L.123-2002, SEC.14.*

#### **IC 5-26-5-4**

##### **Establishment of fund**

Sec. 4. The communications system infrastructure fund is established for the purpose of providing communications system infrastructure. The infrastructure fund consists of distributions received under IC 5-26-4-1(e).

*As added by P.L.123-2002, SEC.14.*

#### **IC 5-26-5-5**

##### **Administration and investment of fund**

Sec. 5. The infrastructure fund shall be administered by the commission. The treasurer of state shall invest the money in the infrastructure fund not currently needed to meet the obligations of the infrastructure fund in the same manner as other public funds may be invested.

*As added by P.L.123-2002, SEC.14.*

**IC 5-26-5-6****Nonreversion of money**

Sec. 6. Money in the infrastructure fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.123-2002, SEC.14.*

**IC 5-26-5-7****Use of money in fund; purposes**

Sec. 7. The commission may use the money in the infrastructure fund only to pay the following:

- (1) The cost of construction of communications system infrastructure.
- (2) The cost of acquisition or leasing of all real or personal property required for the construction of communications system infrastructure.
- (3) The cost of operation and maintenance of communications system infrastructure.
- (4) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the commission for the construction of communications system infrastructure.
- (5) Engineering and legal expenses, other professional services, and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.
- (6) Payment of rentals and other obligations and performance of other obligations under use and occupancy agreements or other contracts or leases relating to the financing of communications system infrastructure under IC 4-13.5.

*As added by P.L.123-2002, SEC.14.*

**IC 5-26-5-8****Priority of payment of obligations under use and occupancy agreements**

Sec. 8. The commission shall pay its obligations under any use and occupancy agreement or any other contract or lease with the Indiana finance authority from money deposited in the infrastructure fund before making any other disbursement or expenditure of the money.

*As added by P.L.123-2002, SEC.14. Amended by P.L.235-2005, SEC.92.*

**IC 5-26-5-9****Appropriation of money in fund; budget agency approval**

Sec. 9. There is annually appropriated to the commission the money in the infrastructure fund for its use, subject to the approval of the budget agency, in carrying out the purposes described in section 7 of this chapter.

*As added by P.L.123-2002, SEC.14.*